

REMARKS

In the present Amendment, the specification has been amended to correct a translational error and the amendment is fully supported, for example, by the disclosure in paragraphs [0001] and [0007] of the specification. Claim 1 has been amended to recite that the fluorine-containing compound has the formula (I) of $\text{CH}_2=\text{C}(-\text{X})-\text{C}(=\text{O})-\text{Y}-[\text{-(CH}_2)_m-\text{Z-}]_p\text{-Rf}$ and that Y is -O- or -NH- and p is 0 or 1 provided that p is 1 when Y is -O-. Support is found, for example, in paragraphs [0010]-[0012] of the specification. Method claim 3 has been amended to recite a positive step. Claim 7 has been amended to designate the fluorine-containing compound to be a fluorine-containing compound (a') with the formula (I'), so as to not be confused with the fluorine-containing compound (a) of formula (I) in claim 1. Claims 10 and 14 have been amended to conform to the amendment to claim 7. No new matter has been added, and entry of the Amendment is respectfully requested.

Claims 1-8 and 10-21 are pending.

Initially, in the Office Action dated May 30, 2008, the Examiner cited Ohmori et al (US 5,069,941) in the body of the Office Action, but did not list it on the Form PTO-892. The undersigned respectfully requests the Examiner to do so in the next office communication.

Claim 3 was objected to because claim 3 does not recite a positive step.

In response, claim 3 has been amended to recite a positive step, thereby obviating the objection.

Claims 1-4 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Izumi et al (WO 2004/078476, see English equivalent US 2006/0269741 for citation) as evidenced by Izumi et al (Chem. Abstract, 2004:754491 "Layered Product, Optical Part, Processes for Producing These, and Coating Fluid, 2004, 2 pages).

Izumi et al WO '476 was published on September 16, 2004, which is later in time than Applicants' priority date of March 26, 2004 based on JP 2004-090929.

To remove Izumi et al as prior art under § 102(a) and to perfect their claim to priority, Applicants submit herewith a verified English translation of their priority document. Section 112 support for the present claims in the priority document is as shown in the following chart:

Present Claim	Support in Priority Document
1	Paragraphs [0008] and [0012]
2	Claim 2
3	Claim 3
4	Claim 4
15	Paragraph [0012]

In view of the above, Izumi et al is not § 102(a) prior art with respect to the present claims. Reconsideration and withdrawal of the § 103(a) rejection of claims 1-4 and 15 based on Izumi et al are respectfully requested.

Claims 1-8 and 10-21 were "provisionally" rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of "co-pending" Application No. 10/594,148 [issued as U.S. Patent No. 7,442,829 (with 4 claims) on October 28, 2008].

This double patenting rejection should be withdrawn because the present claims are not obvious over the claims of the '829 patent.

Claim 1 of the '829 patent is as follows:

1. A fluorine-containing compound of the formula:
$$\text{CH}_2=\text{C}(-\text{X})-\text{C}(=\text{O})-\text{Y}-(\text{CH}_2)_m-\text{Z}-(\text{CH}_2)_n-\text{Rf} \quad (\text{I})$$

wherein X is a fluorine atom, a chlorine atom, a bromine atom, a iodine atom, a CFX^1X^2 group (wherein X^1 and X^2 is a hydrogen atom, a fluorine atom or a chlorine atom), a cyano group, a linear or branched fluoroalkyl group having 1 to 20 carbon atoms, a substituted or unsubstituted benzyl group, or a substituted or unsubstituted phenyl group;

Y is -O- or -NH-;

Z is -S- or -SO₂-;

Rf is a fluoroalkyl group having 1 to 21 carbon atoms;

m is from 1 to 10, and n is from 0 to 10.

The X group of the present claims differs from that of the '829 patent is quite different.

The present claims limit X to a hydrogen atom and a methyl group, while the '829 patent limits X to groups (such as a chlorine atom) other than a hydrogen atom and a methyl group.

Therefore, the present claims are not obvious over the claims of the '829 patent.

Reconsideration and withdrawal of the double patenting rejection based on the '829 patent are respectfully requested.

Allowance of claims 1-8 and 10-21 is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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